



CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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www.atlantaga.gov


KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM *amended*

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-13-13 for 788 McDonough Boulevard, S.E.

DATE: August 8, 2013

The applicant seeks a Special Use Permit (Section 16-06.005(1)(b)) for a Child Day Care Center to operate in an existing 1-story structure located at 788 McDonough Boulevard.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 173 feet on the north side of McDonough Boulevard and begins approximately 46 feet from the northeast corner of Elleby Road. The property is located in the Benteen Park Neighborhood of NPU W and Council District 1.
- **Property size and physical features:** The subject property is a 49,544 square foot site that is developed with a 3,918 square foot one story building. To the east of the building is a paved lot that contains an open metal shed and a small trailer like building. The property is relatively flat topography and contains a few trees.
- **Current/past use of property:** The subject property was last occupied by a church. Staff is unaware of any previous uses.
- **Surrounding zoning/land uses:** The subject property is immediately adjacent to properties that are zoned the following: R-4 and R-5(Single Family Residential), RG-2 (Residential General Sector 2) and C-1 (Community Business).
- **Transportation system:** McDonough Boulevard is an arterial street. MARTA bus routes serve the area.

PROPOSAL:

The applicant is requesting a Special Use Permit for a daycare to operate in an existing building located at 788 McDonough Boulevard.

- a) **Ingress and egress:** Ingress and egress to the drop off and parking area is provided by two curb cuts on McDonough Boulevard. The northeastern curb cut will be an ingress and egress point while the northwestern curb cut is designated for egress only.
- b) **Parking and loading:** The applicant has not indicated the projected daily vehicle travel however, 95% of the students will be provided transportation to the facility by staff. Additionally, many of the day care patrons would utilize public transportation to the facility or walk. The proposed drop off area will be located directly in front of the facility to ensure client safety. Furthermore, the applicant has proposed 13 parking spaces located on the northeastern side of the lot. Service Personnel and deliveries can be made via the side door located on the east side of the building.
- c) **Refuse and service areas:** The proposed refuse receptacle will be located along the northeastern property line and the applicant will utilize either the City of Atlanta Solid Waste Services or a private company with trash pick-up scheduled on a weekly basis. Deliveries can be made via the side door located on the east side of the building.
- d) **Buffering and screening:** A natural tree buffer currently exists along the boundaries of the subject property. The applicant has also proposed a 6 foot privacy fence around the proposed play area located in the rear and a landscape buffer along the side and rear yards.
- e) **Hours and manner of operation:** The applicant's intent is to provide services for eighty (80) students that are 6 weeks to 12 years of age between the hours of 5:30 am – 6:30pm Monday through Friday. A minimum of ten (10) staff members will be employed at the facility. The meal plan includes the provision of lunch/snacks by the facility or the parents. A designated play area will be located to the rear of the building. Special Programs will not be offered at the proposed facility.
- f) **Duration:** A permanent duration is requested by the applicant.
- g) **Required yards and open space:** The applicant has indicated that the required yards and open spaces will be met.
- h) **Tree Preservation and Replacement:** In the event that trees are removed on the subject property, the applicant has indicated that the City Arborist will be consulted.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The applicant has proposed 13 striped parking spaces where once there was none. Additionally, the applicant has a proposed a circular driveway in order to ensure traffic flow onsite for any visitors, employees, deliveries and emergency personnel. Therefore, Staff is of the opinion that the proposed Ingress and Egress is sufficient.

- b) **Off-street parking and loading:** Majority of the site is comprised of paved asphalt. With the creation of the 13 parking spaces the applicant has provided parking for all visitors to the facility. Additionally, the children can be loaded and unloaded from vehicles utilizing the parking area or the drop off area which is located at the front entrance. Furthermore, emergency and service personnel will be able to park in the delineated parking area and utilize the side entrance to gain access to the facility. Therefore, Staff is of the opinion that the proposed off-street parking and loading areas are sufficient.
- c) **Refuse and service areas:** Use of the City's Solid Waste Services or a private company should be sufficient.
- d) **Buffering and screening:** No additional buffering or screening other than the proposed or what exists appears to be necessary.
- e) **Hours and manner of operation:** The applicant has proposed to operate between the hours of 5:30 am – 6:30pm. However, as per the City of Atlanta Code of ordinances, a child care facility must operate between the hours of 6:00am – 7:00pm (Sec.16-29.001(7)). Therefore, Staff is of the opinion that should this request be approved the hours of operation are in accordance with the City Code. The remaining aspect of the proposed hours and manner of operation are reasonable and the proposed day care facility appears to be suitable for the proposed location.
- f) **Duration:** Staff is supportive of a limited duration which will allow for the evaluation of the operation of the facility at a later date.
- g) **Compatibility with policies related to tree preservation:** The applicant states all policies relating to tree preservation will be met.
- h) **Required yards and open space:** Required yards and open space shall be met.

STAFF RECOMMENDATION: APPROVAL conditioned on the following::

1. Site Plan titled "*Dahjia's Learning Academy*" dated June 18, 2013 and marked received by the Office of Planning on July 24, 2013.
2. The special use permit shall be valid for a period of five (5) years from the date of Council adoption.
3. The special use permit for day care center shall be valid only as long as James Echols is the operator of the program.
4. The enrollment cap shall be 80.
5. The hours of operation shall be from 6:30 a.m. until 6:30 p.m. Monday through Friday

cc: James Shelby, Commissioner, DPCD




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MAYOR

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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board
FROM: Charletta Wilson Jacks, Zoning Administrator 
SUBJECT: U-13-14 for 80 Harlan Road, S.W.
DATE: August 8, 2013

The applicant seeks a Special Use Permit pursuant to Section 16-06.005 (1) (g) for a Personal Care Home for property located at 80 Harlan Road.

The applicant has requested a 30 day deferral of this case to allow for additional time to work with the staff.

STAFF RECOMMENDATION: 30 DAY DEFERRAL-SEPTEMBER 2013

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

M. KASIM REED
MAYOR

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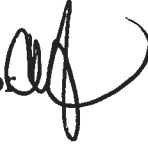
JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

amended

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-13-15 for 1753 Peachtree Street, N.E.

DATE: August 8, 2013

The applicant seeks a **Special Use Permit (Sections 16-13.005 and 16-06.005)** to operate a nursing home with approximately 125 beds.

FINDINGS OF FACT:

- property location: The subject property is located on the southeast corner of Peachtree Street at Huntington Road. The property is located in Land Lot 109 of the 17th District, Fulton County, Georgia. It is located in the Brookwood Hills neighborhood of NPU-E in Council District 7. The property has approximately 115 feet of street frontage along Peachtree Street and 395 feet of street frontage along Huntington Road.
- property size and physical features: The subject property is approximately 1.15 acres (or 50,025 sf) in area and is developed with a single-story office building and surface parking lot. The topography is relatively flat and rises slightly from the Peachtree Street frontage. In the rear of the property there is a stone wall at the back of the surface parking lot. East of this wall, is a landscaped wooded area adjacent to the single-family property.
- CDP land use map designation: the parcel has a split zoning and land use designations. The majority of the parcel including the frontage along Peachtree Street has a C-3 Commercial designation and a High Density Commercial land use designation. The rear portion of the property with frontage along Huntington Road has an R-4 single-family residential designation and a Single-family land use designation.

- current/past use of property: The subject property has been used as an office building. Staff is unaware of any other past uses.
- surrounding zoning/land uses: The subject property is surrounded by multiple land uses. Adjacent land uses to the north and east include single and multi-family residential land uses, and office uses along Peachtree Street. South of the property are retail uses. Across the street along Peachtree Street are additional office uses. The zoning along Peachtree Street is commercial and to the rear of the property is single-family residential.
- transportation system: The subject property is accessed via Peachtree Street, an arterial street (or Boulevard), and Huntington Road, a local street. MARTA bus service runs along Peachtree Street connecting Lenox Road (at Lenox Square Mall) to the Arts Center Station. A MARTA bus stop is located adjacent to the subject property on Peachtree Street at the corner with Huntington Road.

PROPOSAL

The applicant, UHS-Pruitt Corporation, seeks a special use permit to operate a private nursing facility to provide skilled nursing care, rehabilitative services and other related health services, including but not limited to, occupational speech and physical therapies. The existing property will be redeveloped with demolition of the existing building and surface parking lot and construction of a new 6-story building with approximately 85,145 gross square feet and a parking deck providing approximately 105 parking spaces. The facility will provide approximately 125 beds to primarily serve the elderly. The facility will also provide out-patient clients who will park in the deck for approximately two hours, once a week, with handicap parking reserved on the first floor. The applicant estimates that 150 vehicles will travel to and from the facility each day, over a 24 hour period.

- **Ingress and egress:** The facility will provide three driveway curb cuts to access the parking deck. The existing two-way driveway from Peachtree Street and two, single-lane driveways from Huntington Road. The driveways along Huntington Road shall each be one-way to provide ingress and egress access. Emergency vehicles will access the property from both Peachtree Street and Huntington Road. The primary pedestrian entrance shall be from the Peachtree Street frontage. Additional pedestrian entrances shall be provided from the parking deck.
- **Parking and loading:** The facility will provide approximately 105 parking spaces in a multi-story parking deck located behind the building and fronting along Huntington Road. As noted, access to the parking deck shall occur from both Peachtree Street and Huntington Road. Two loading spaces are provided to the south of the building with access from the Peachtree Street driveway curb cut.
- **Refuse and service areas:** The refuse and service areas are to be located on the southern side of the property, accessed from Peachtree Street. The applicant shall contract with the City of Atlanta garbage disposal with trash collection expected to occur three times per week. Deliveries of products and supplies will occur through the Peachtree Street driveway.

- **Buffering and screening:** The adjacent residential property to the east will be buffered and screened with a landscaped area (approximately 56 feet wide) on the R-4 portion of the property. The existing stone wall is to remain, and additional landscaping is to be provided between the wall and the parking deck. Along Huntington Road, additional landscaping is to be provided at the back of the sidewalk to screen the parking deck. A privacy fence along the southern property line will remain to buffer from the adjacent Brookwood Place retail shopping center.
- **Hours and manner of operation:** The facility will provide skilled nursing care, rehabilitative services and other related health services, including but not limited to, occupational speech and physical therapies to approximately 125 patients. It is intended to primarily serve the elderly.
 - Hours: 24 hours, seven days a week.
 - Staff: 110 employees on-site spaced over three shifts.
 - Meals and Special Programs:
 - Meals: patients will receive breakfast, lunch and dinner. Dining hours throughout the day between 7:30am to 6:30pm.
 - Physical therapy and rehabilitative programs: will be provided for in-patient and out-patient clients.
- **Duration:** The applicant requests unlimited duration for the special use permit.
- **Required yards and open space:** The applicant has indicated that the new construction will comply with required yards and open spaces.
- **Tree Preservation and replacement:** The applicant intends to preserve the existing trees on the property in the R-4 zoned portion of the property. The applicant has indicated that they will comply with the City of Atlanta Tree Ordinance requirements pertaining to any tree removal and replanting. Tree replacement will be coordinated with the City Arborist.

CONCLUSIONS:

- a. **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Access to the property as shown on the proposed site plan appears to be sufficient.
- b. **Off-street parking and loading:** The on-site parking and loading appears to be sufficient. The facility will provide approximately 105 parking spaces, well above the minimum 31 spaces required at one (1) parking space per four (4) beds.
- c. **Refuse and service areas:** As proposed by the applicant, appear to be sufficient.
- d. **Buffering and screening:** Staff recommends additional screening and buffering adjacent to Huntington Road and the residential property abutting the eastern property line to minimize light spillage and screen the parking deck. Recommendations are noted in the written conditions.
- e. **Hours and manner of operation:** As proposed by the applicant, appear to be sufficient.

- f. **Duration:** Staff is not in support of an unlimited permit duration. Staff recommends limiting the special use permit duration to a period of 10 years.
- g. **Compatibility with policies related to tree preservation:** The applicant has indicated that all requirements of the City of Atlanta Tree Ordinance will be met.
- h. **Required yards and open space:** The subject property contains split zoning of R-4 (single-family Residential) and C-3 (Commercial) districts. The building and parking deck are located on the portion of the site zoned C-3. Required yards and open space appear to be met, except for the 20 feet wide transitional yard requirement abutting the R-4 portion of the property. A variance approval through the Board of Zoning Adjustment is required for a reduction in the transitional yard requirement.
- i. **Other items for consideration:** According to the Company website (www.uhs-pruitt.com), UHS-Pruitt Corporation has been in operation since 1969 providing long-term professional health care services throughout 90 locations in Georgia, Florida and North and South Carolina. The company offers skilled nursing and assisted living care, end-of-life care, rehabilitation, veteran care and consultative pharmaceutical services.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

1. The property shall be redeveloped in accordance with the conceptual Site Plan shown on Exhibit "A" prepared by Niles Bolton Associates dated July 29, 2013 and stamped received by the Office of Planning August 06, 2013. If any of the following written additional conditions are not consistent with or reflected on said Site Plan, the written conditions shall prevail.
2. The exterior construction of the skilled nursing facility structure ("Building") and adjoining parking deck (the "Parking Structure") shall be substantially similar to the north, east and west conceptual elevations shown on Exhibit "B" prepared by Niles Bolton Associates dated July 29, 2013 and stamped received by the Office of Planning August 06, 2013. If any of these written conditions are not consistent with or reflected on said Elevations, the written conditions shall prevail. The Building and Parking Structure shall not exceed the number of levels and heights specified in said elevations. The Building height shall not exceed 86 feet on the Peachtree Street façade or 74 feet on the Huntington Road façade, both heights measured from average grade along the frontage to the roof deck and excluding parapets, architectural elements and required fire stairs.
3. In addition to compliance with Section 16-28.028 parking structure requirements of the City of Atlanta Zoning Ordinance, the Parking Structure shall also meet each of the following requirements:
 - a. Each building floor level shall be delineated through windows, belt courses, cornice lines or similar architectural detailing;
 - b. Automobiles shall be concealed from street-level view including those on the top level;
 - c. The deck shall have an appearance similar to that of the Building;
 - d. Openings shall be screened with mesh or decorative panels, tinted or sandblasted glass, or similar screening elements so as to prevent views into the parking structure; and

- e. Shield all light spillage onto adjacent properties by providing cutoff luminaries that have a maximum 90 degree illumination.
4. Streetscape and setbacks shall match the dimensions specified on the Site Plan for the street furniture zone, sidewalk clear zone and supplemental zone, as well as the side and rear yard setbacks.
5. Street lights shall be placed within the street furniture zone next to the curb at a maximum spacing of 60 feet on-center, subject to required adjustments to avoid conflicts with existing utility poles. Decorative pedestrian Atlanta Type "C" lights or other light fixtures as approved by the Director of the Office of Planning shall be installed along both street frontages.
6. Street trees shall be planted a maximum of 30 feet on-center within the Street Furniture and Tree Planting Zone and spaced equal distance between street lights.
7. Access to the parking deck shall be in accordance with the following:
 - a. Curb cuts: Access shall be limited to three driveway curb cuts as shown on the Site Plan. Huntington Road shall be permitted two single-lane curb cuts positioned at an angled orientation to Huntington Road and shall be no more than 12 feet in width with raised curbs on each side and shall be designed and constructed in a manner to prohibit left turns into the development and right turns out of the development. The design of the driveway apron shall be subject to the discretion and final approval by the Department of Public Works (DPW).
 - b. Vehicle queuing: where restricted parking deck access is provided, the development shall comply with Section 30-1205 Parking Facility Reservoir requirements. Any amendments or variations to these requirements shall be subject to the discretion and final approval by the Department of Public Works (DPW).
8. All Sidewalk paving materials shall be continued across the Huntington Road driveway curbs cut at the same prevailing grade and cross slope as the adjacent Sidewalk clear zone. Driveway curb cuts shall have a band of textured concrete adjacent to the street which is in-line and equal in width to the Street Furniture Zone and shall have a textured band of concrete adjacent to the Sidewalk Clear Zone which is in line with the Supplemental Zone (if any) or such standards as developed by the City of Atlanta Department of Public Works.
9. Landscaping, including evergreen plantings, shall be provided between the Parking Structure and the adjacent R-4 property at 35 Huntington Road in accordance with Section 16-28.028 requirements for screening of parking decks. Approval of the landscape plan shall be made by the City Arborist prior to issuance of a building permit for the Property.
10. A pedestrian building entrance shall be located on Peachtree Street.
11. The street-fronting, ground-floor level portion of the Building façade fronting Peachtree Street shall have a minimum of 50% fenestration consisting of windows and doors comprised of clear glass. Tinted, painted, reflected or other similarly treated or opaque windows along this portion of the Building façade are not permitted, with the exception of windows in mechanical or treatment rooms close to the Huntington intersection. All other areas of the Building shall have a minimum of 30%

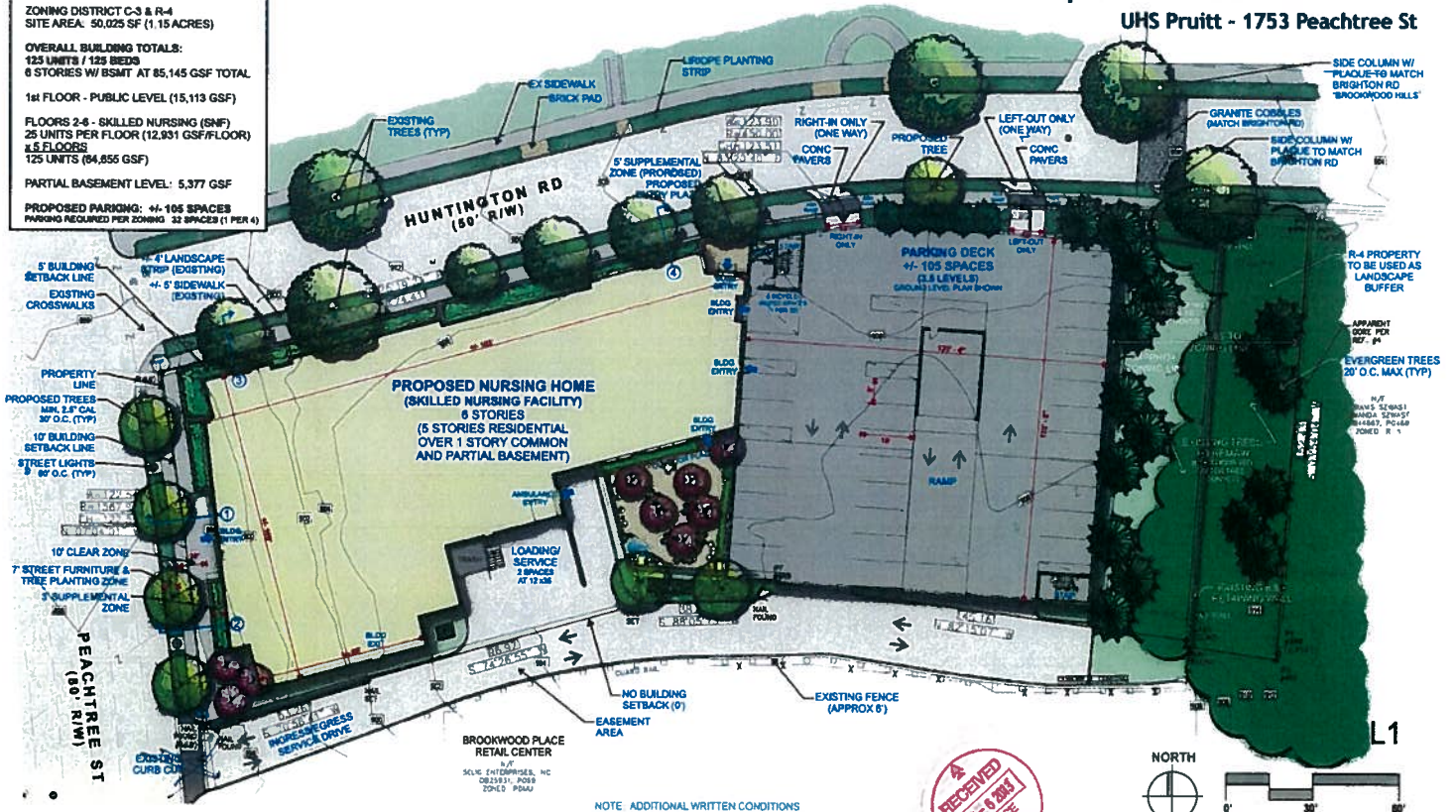
fenestration at the sidewalk-level and such fenestration, except in areas requiring privacy for the occupants, shall consist of clear or tinted glass with a transmittance factor of 50% or greater.

12. The special use permit shall be valid for a period of ten (10) years.
13. The special use permit shall be valid only for UHS-Pruitt Corporation (Pruitt Properties, LLC), as the operator of the nursing facility.
14. The number of beds shall not exceed 125.

Cc: James Shelby, Commissioner, DPCD

Conceptual Site Plan - Exhibit "A" UHS Pruitt - 1753 Peachtree St

DEVELOPMENT SUMMARY
 ZONING DISTRICT C-3 & R-4
 SITE AREA: 50,025 SF (1.15 ACRES)
 OVERALL BUILDING TOTALS:
 123 UNITS / 123 BEDS
 6 STORIES W/ BSMT AT 85,145 GSF TOTAL
 1st FLOOR - PUBLIC LEVEL (15,113 GSF)
 FLOORS 2-6 - SKILLED NURSING (SNF)
 25 UNITS PER FLOOR (12,931 GSF/FLOOR)
 4.5 FLOORS
 125 UNITS (84,856 GSF)
 PARTIAL BASEMENT LEVEL: 5,377 GSF
 PROPOSED PARKING: +/- 105 SPACES
 PARKING REQUIRED PER ZONING: 32 SPACES (1 PER 4)



UHS PRUITT | 07.29.2013



v-13-15



SCALE: 1"= 30'-0"

NILES BOLTON ASSOCIATES

Conceptual Elevations - Exhibit "B"
UHS Pruitt - 1753 Peachtree St



WEST ELEVATION WITH ADJACENT BUILDINGS

UHS PRUITT | 07.29.2013

NILES BOLTON ASSOCIATES



U-1315

Conceptual Elevations - Exhibit "B"
UHS Pruitt - 1753 Peachtree St



WEST ELEVATION



U-1345

Conceptual Elevations - Exhibit "B"
UHS Pruitt - 1753 Peachtree St



NORTH ELEVATION

UHS PRUITT | 07.29.2013



NILES BOLTON ASSOCIATES

Conceptual Elevations - Exhibit "B"
UHS Pruitt - 1753 Peachtree St



UHS PRUITT | 07.29.2013

NILES BOLTON ASSOCIATES



U-1315

Conceptual Elevations - Exhibit "B"
UHS Pruitt - 1753 Peachtree St

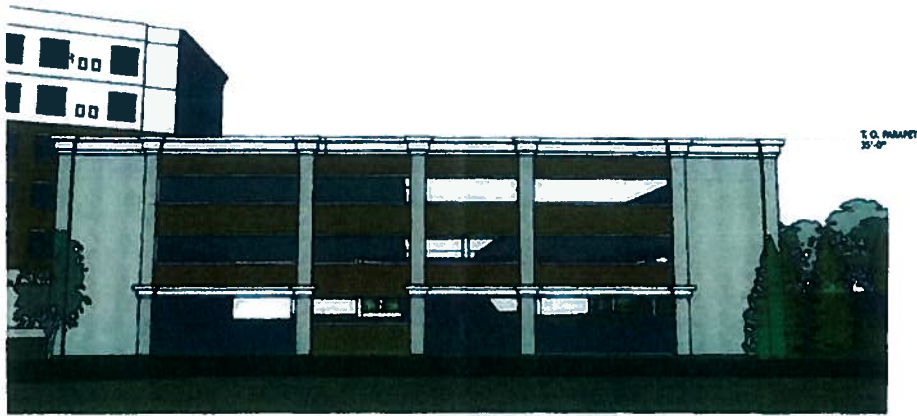


PARKING DECK - EAST ELEVATION



U-1375

Conceptual Elevations - Exhibit "B"
UHS Pruitt - 1753 Peachtree St



PARKING DECK SOUTH ELEVATION



U-1375



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Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-18 for 2190 Collins Drive, N.W.

DATE: August 8, 2013

An ordinance to rezone from the R-4 (Single Family Residential) R-4A (Single Family Residential) District, property located at 2190 Collins Drive, N.W.

FINDINGS OF FACT:

- Property location: The subject property fronts approximately 100 feet on the northwesterly side of Collins Drive and approximately 315 feet south of the right-of-way of Collins Drive and Bolton Road. It is in the Bolton Neighborhood of NPU-D, Council District 9.
- Property size and physical features: The subject property is a standard shape lot with 19,914 square feet of area and 100 feet of frontage. A two story abandoned home is currently located on site. There are several mature trees and shrubbery located throughout the subject property. Topography towards the front of the property is relatively level and begins to decline towards the rear. A curb cut is located on the northeastern side of the lot.
- CDP land use map designation: Low-Density Residential
- Current/past use of property: The subject property was previously utilized as a single family residence. Staff is unaware of any other previous uses.
- Surrounding zoning/land uses: The lots immediately surrounding the subject property vary in shape and size and are zoned R-4 and R-5(Single Family Residential) and PD-H (Planned Housing Development).
- Transportation system: Bolton Road provides access to Collins drive and is a Collector Street that is serviced by MARTA.

PROPOSAL:

The applicant is requesting a rezoning from R-4 (Single Family Residential) to the R-4A (Single Family Residential) District. The applicant's intent is to subdivide the existing lot and construct two new single family dwellings that are comparable to the surrounding residences.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed zoning classification is compatible with the current land use designation of Low Density Residential; therefore an amendment to the 15-year land use map would not be required to facilitate this use.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established residential corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

The subject property is currently an abandoned and dilapidated home with overgrown shrubbery. The applicant has proposed to subdivide the existing lot into two in order to construct two single family homes that would be compatible with the surrounding area. Therefore, Staff is of the opinion that no other land needs to be evaluated for the subject rezoning.

(4) **Effect on character of the neighborhood:** The immediate area is flanked by single family residences. No negative effects are expected on adjacent properties. Only positive effects can result from improvements to vacant and undeveloped parcels.

(5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property for the purpose of constructing single family residences would be compatible with surrounding zoning and land uses.

(6) **Effect on adjacent property:** Staff is of the opinion that the rezoning of the subject property to the R4-A zoning designation would not pose negative impacts to the adjacent properties. The parcels that immediately surround the subject properties are currently zoned R-4 and R-5. Therefore, the rezoning of the subject property to R-4A would be more restrictive in terms of minimum lot requirements and is compatible with the surrounding neighborhood.

(7) **Economic use of current zoning:** While the current zoning conditions allow for economic use of the land, a change to the R4-A district would allow a more effective economic use of the subject property for the purpose of constructing two single family residences.

Z-13-18 for 2190 Collins Drive, N.W.

August 8, 2013

Page 3 of 3

- (8) **Tree Preservation**: It is noted that additional trees or recompense may be necessary to comply with the City of Atlanta Tree Ordinance. However, the applicant has confirmed that all policies related to tree preservation will be met.

STAFF RECOMMENDATION: APPROVAL

cc: James Shelby, Commissioner, DPCD



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Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-19 for 1085-1089 Howell Mill Road, N.W.

DATE: August 8, 2013

The applicant seeks to rezone from the C-2-C (Commercial Service-Conditional) District to the MRC-2 (Mixed Residential Commercial) District for property located at 1085-1089 Howell Mill Road, N.W.

FINDINGS OF FACT:

- **property Location:** The subject property fronts approximately 174 feet on the east side of Howell Mill Road located approximately 351 feet from the southeast intersection of Howell Mill Road and 14th Street. The property is located in the Home Park neighborhood of NPU-E in Council District 3 .
- **property Size and Physical Features:** The net area of the subject property is 1.57 acres (68,385 s.f.) with little discernable topography except near the rear (eastern) property line of which is held by a retaining wall and then falls to the east. The site contains three buildings with surface parking and a small dog pen in the northeast corner of the site with the overall site surrounded by fencing. The front center portion of the site has one and one half story concrete building of over 14,000 square feet while the rear of the site houses two additional smaller one-story buildings each near the north and south property lines. There are two existing full access curbcuts on each side of the main concrete building accessing the parking areas. There is no vegetation found on-site, although near the southern and eastern property lines there appears to be some boundary trees.
- **CDP Land Use Map Designation:** The Land Use Map for NPU-E designates the subject property as Mixed-Use. The proposed MRC-2 zoning is an appropriate land use category under this CDP designation.

- **Current/Past Use of Property:** The site is developed with three concrete buildings including a 14,300 s.f. main concrete building as well as a 3,406 s.f. and 2,430 s.f. buildings in the rear known with a surface parking collectively as 'Ironworks International Inc.' for iron product manufacturing and wholesaling. The applicant has indicated that the site was rezoned in 2000 for a potential mixed-use development that was never constructed. Staff is unaware of any past use on the property other than that described.
- **Surrounding Zoning/Land Uses:** There is a variety of zonings in the immediate vicinity. To the north, east and southeast is zoned I-1 developed with a mixture of commercial, wholesale and storage among other non-residential uses. To the south and southwest is zoned I-2 having and developed with a mixture of commercial, office, retail and restaurant uses along with a MARTA bus facility among other non-residential uses. While to the west and northwest is zoned MRC-3 having and developed with a mix of retail, office, restaurant and residential uses known collectively as the 'White Provisions' complex.
- **Transportation System:** Howell Mill Road is classified as an arterial street with nearby 14th St. classified as a collector street. All other streets in the surrounding area are classified as local streets. MARTA bus route #12 follows along Brady Avenue and the Howell Mill Road corridor adjacent to the subject site.

PROPOSAL:

The applicant seeks to rezone from the C-2-C (Commercial Service-Conditional) District to the MRC-2 (Mixed Residential Commercial) District for property located at 1085-1089 Howell Mill Road, N.W. The applicant is proposing to repurpose the existing buildings to have commercial uses such as retail, restaurant and office. A second story may be added to the existing building as a future expansion as well as portions of the existing building may be demolished to provide for patio areas to serve such uses. Also, the demolition of the smallest 2,430 s.f. is proposed. Overall, there would remain two remaining buildings with a total potential of 37,098 s.f.

Development Specifications:

Net Lot Area:	68,385 s.f. (1.57 acres)
Max Non-Res.F.A.R. Allowed:	2.50 x NLA = 170,962 s.f.
Non-Residential F.A.R. Proposed:	37,098 s.f.at future maximum
Residential F.A.R Allowed	0.696 x NLA = 47,596 s.f.
Residential F.A.R. Proposed:	0 (None)
Building Height Max Allowed:	225'
Building Height Proposed:	45' at future maximum
Setbacks Required:	At Street: 20' from curb Side & Rear Yards: None
Setbacks Proposed:	At Street: min. 14' from curb (existing non-conformity) Side Yards: min. ~3' (existing)
Public Space Required:	10% of NLA = 6,839 s.f.
Public Space Proposed:	Undetermined, but appears satisfactory.
Parking Required:	Undetermined (based on future uses)

Parking Proposed:	75 spaces
Loading Required:	2 spaces – 12' x 35'
Loading Proposed:	2 spaces – 12' x 35'

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

Since the proposed development is consistent with the existing mixed use land use designation, no CDP land use changes are proposed. There are no known public projects or programs with which the timing of the project would conflict.

(2) Availability of and effect of public facilities and services; referral to other agencies:

The existing use of the site and surrounding uses indicate there are public facilities and services available to the subject property. Further, there has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location adaptive reuse and possible building expansions.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:

The zoning regulations indicate that this consideration is optional. In this case, Staff is of the opinion that the proposal to adaptive reuse the existing on-site non-residential buildings for various commercial uses would not require the review of other suitable land and that the balance of land uses would not be affected by this proposal.

(4) Effect on character of the neighborhood:

The adaptive reuse of the existing industrial buildings with new commercial uses along with improvements to the streetscape (consistent with zoning requirements) is expected to contribute to the neighborhood revitalization and improve the character of the neighborhood. To improve traffic management for the expected intensity of these new uses along Howell Mill Road the Staff recommends restricting curbcut access to either one two-way curbcut or two one way curbcut for the subject site.

(5) Suitability of proposed land use:

Given the limited proposal for the site for the adaptive reuse of existing building (with possible future one-story vertical expansion) along with other properties in the immediate vicinity, Staff is of the opinion that the existing mixed use land designation with commercial uses is reasonable and no land use change is warranted.

(6) Effect on adjacent property:

The proposal for the adaptive reuse of existing building (with possible future one-story vertical expansion) is not expected to negatively impact any adjacent properties in that adjacent property is currently developed with a mix of predominately non-residential uses a varying densities with the future maximum on-story additional height negligible. However, to improve traffic management for the expected intensity of these new uses along Howell Mill Road the Staff recommends restricting curbcut access to either one two-way curbcut or two one way curbcut for the subject site. In addition, the inclusion of streetscape and pedestrian elements including wider consistent sidewalks are expected to have a positive effect on adjacent properties.

- (7) **Economic use of current zoning:** As currently zoned and used, the property has certain economic value; however, the applicant's proposal to adaptively reuse existing on-site buildings with possible one-story vertical expansions would likely increase the economic value of the property .
- (8) **Tree Preservation:** The applicant has indicated their intent to comply with the policies of the City of Atlanta Tree Ordinance.

STAFF RECOMMENDATION: APPROVAL, conditioned upon the following:

1. Total floor area on-site shall not exceed 37,098 square feet.
2. Building height(s) shall not exceed 45 feet.
3. Site access to and from Howell Mill Road shall be limited to either: one two-way curb cut at 24 feet maximum width; or two one-way curbcuts at 12 feet maximum widths each.

cc: James Shelby, Commissioner, DPCD



KASIM REED
MAYOR


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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-20 for 2107 Marietta Road and Mauldin Street, N.W.

DATE: August 8, 2013

The applicant seeks to rezone the property from the I-1 (Light Industrial) to the PD-H (Planned Development-Housing) district.

Staff is requesting a 30 day deferral of this application to allow for additional review time.

STAFF RECOMMENDATION: 30 DAY DEFERRAL-SEPTEMBER 2013

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

KASIM REED
MAYOR


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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM *amended*

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-21 for 1830 Johnson Road, N.W.

DATE: August 8, 2013

The applicant seeks to rezone property from the **RG-3 (Residential General-Sector 3)** district to the **PD-H (Planned Development-Housing)** district for development of twenty-four (24) detached single family homes.

Staff has determined that there may be some deficiencies in the posting of this property and therefore recommends that this application is deferred.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-SEPTEMBER 2013

c: James Shelby, Commissioner, DPCD



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KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-24 for 800 and 860 Glenwood Ave, SE and 0 Chester Ave, SE

DATE: August 8, 2013

An Ordinance to rezone property from the I-1/BL (Light Industrial/ BeltLine Overlay) district to the MR-5A/ BL (Multi-family Residential/BeltLine Overlay) district and from the I-2/BL (Heavy Industrial/BeltLine Overlay) district to the MR-5A /BL (Multi-family Residential + BeltLine Overlay) district.

FINDINGS OF FACT:

- Property location: The subject properties comprise 19.3 acres and have approximately 948 feet of frontage on the north side of Glenwood Avenue, 345 feet of frontage on the west side of Bill Kennedy Way, and 1,778 feet of frontage on the south side of Interstate 20. The properties are in the Grant Park neighborhood in NPU W and in Council District 1.
- Property size and physical features: The subject properties comprise an irregularly shaped property totaling 19.3 acres. The property includes a portion of the Chester Avenue right-of-way, which was abandoned by the City and incorporated into the subject property. Most of the property is paved, relatively level, and open. Several former industrial buildings remain on the site. A steep heavily wooded slope runs along the western boundary of the site. There is a 50 foot sewer trunk easement that traverses the property diagonally from the northwest corner to the center of the Glenwood frontage.
- CDP land use map designation: The property is presently designated as an “industrial” land use. Legislation has been introduced to change the land use to “Very High Density Residential”).

- Current/past use of property: The property was used by the concrete industry for several decades until it was reportedly placed under contract in February 2012 by LaFarge with Fuqua Development, LLC. The property was used for vehicle maintenance and storage, concrete QA/QC testing, and housed a back-up batch plant. Since 2012 the site has been inactive. The property received approved for a Special Administrative permit for redevelopment consistent with the current zoning, including the Beltline Overlay requirements.
- Surrounding zoning/land uses: The subject property is surrounded by a variety of zoning districts and uses. North of the subject property exists zoning of I-1-C (Light Industrial-Conditional) and Beltline Overlay. West of the subject property is property zoned C-1-C (Community Business-Conditional) and Beltline Overlay and R-5 (Two-family residential) and Beltline Overlay. South of the subject property is property zoned R-5 (Two-family residential) and Beltline Overlay. East of the subject property is property zoned MRC-3 (Mixed residential commercial) and PD-MU (Planned Development-Mixed Use) and Beltline Overlay. The surrounding land uses include multi-family residential, single-family residential and institutional.
- Transportation system: The parcel is served by a nearly direct connection to the Interstate system and two Collector streets. Both Bill Kennedy Way and Glenwood Avenue are classified as Collectors. The property is served by a MARTA bus route. The property is also adjacent to two major planned transit investments: the Atlanta BeltLine Corridor, planned for streetcar service utilizes the Bill Kennedy Way right-of-way, and Bus Rapid Transit is planned along I-20, including a station at Bill Kennedy Way.

The Atlanta BeltLine Street Framework Plan for the property includes a grid of connected streets throughout the site. These include the Faith Avenue Extension, the Kalb Avenue Extension, the restoration of Chester Avenue, and an additional east-west street on the site.

PROPOSAL:

This legislation, sponsored by Councilmember Carla Smith, proposes to rezone property from the I-1/Beltline Overlay district and the I-2/Beltline Overlay district to the MR-5A/Beltline Overlay district in order to implement the Atlanta BeltLine Master Plan (Subarea 4) recommendations.

CONCLUSIONS:

- (1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:**
The property is currently designated for industrial land use. A change to the Comprehensive Development Plan is required to accommodate the proposed rezoning to a very high density residential category. Legislation has been introduced to change the land use from "Industrial" to "Very High Density Residential". The proposed land use legislation does not reflect the recommendations made in the adopted Atlanta BeltLine Master Plan.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Staff is of the opinion that there are available public facilities due to the existence of nearby development. Additionally, there has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

This criterion is optional. However, the zoning legislation as currently proposed for multifamily residential uses would be of benefit to the eventual implementation of the Atlanta Beltline Corridor which is in close proximity to the subject property. The introduction of additional residential units could potentially increase the use of the Beltline transit and trail components.

(4) **Effect on character of the neighborhood:**

The proposed zoning district includes requirements for unified setbacks; new streets, streetscape, and landscaping that would benefit the overall neighborhood and increase pedestrian and vehicular connectivity. Additionally, the zoning district proposed allows for the development of multifamily residential uses which currently exists in the area and thus would be compatible.

(5) **Suitability of proposed land use:**

While the proposed legislation if approved would allow uses that are compatible with the surrounding zoning and land uses, the proposed legislation is not in accordance with the approved Beltline Subarea Master Plan for this particular area because it not provide the opportunity for the industrial zoning to remain in place.

(6) **Effect on adjacent property:**

The property is currently vacant and any redevelopment of the property for compatible residential and non-residential uses (other than heavy industrial) would potentially have a positive effect on the adjacent properties. Residential uses, allowed by the proposed rezoning, would be an asset to the Atlanta BeltLine. However, the rezoning as proposed is not in accordance with the Beltline Subarea Master Plan for this particular area that was supported by the neighborhood, Neighborhood Planning Unit W and subsequently by the Atlanta City Council.

(7) **Economic use of current zoning:**

Staff is of the opinion that the property currently has economic value with its existing zoning, demonstrated by the property under contract status and opposition to the proposed rezoning. However, redevelopment of the property for mixed use or residential purposes will likely increase its economic value.

(8) **Tree Preservation:**

Upon submittal of permits to the Office of Buildings, any development proposal, regardless of zoning, will be subjected to the tree ordinance.

(9) Other Considerations:

A Special Administrative Permit (SAP) was submitted for the subject property on September 17, 2013, as a requirement of the Beltline Overlay District. The SAP was approved on July 12, 2013. The development proposed in the approved SAP includes a retail development with the required parking. The approval of this proposed legislation would render the development once constructed as a nonconforming use.

As previously indicated, the subject property was also addressed in the approved Subarea 4 Beltline Master Plan. The Subarea 4 Master Plan was developed with input from the Southeast Study Group, Office Hours, Quarterly Briefing updates, the BeltLine.org website, and a Planning Committee established exclusively to review and guide the study. Utilizing a series of planning committee meetings and four study group meetings (public meetings) at key points in the process, community members and stakeholders had the opportunity to shape both the goals of and the recommendations for the Subarea 4 Master Plan. Community feedback, in addition to detailed existing conditions, identified opportunities, challenges, and recommendations from previous studies, which led to the development of two alternative concept plans. Through the refinement of these two concepts into a single draft, the Subarea 4 Master Plan integrates the community goals and principles of place making into its recommendations for land use and urban design, circulation and mobility, and greenspace and public art. The Atlanta City Council adopted the Master Plan on July 18, 2011.

The Subarea 4 master plan includes street framework and land use recommendations for the subject property. A brief summary of the master plan recommendations is below. This is followed by page 19 of the adopted master plan, which includes a map of the street framework and land use recommendations for the subject property.

The master plan also included land use recommendations for the property:

- South of the Faith Avenue extension, illustrated in the light orange color, the plan recommended “Residential (5 to 9 stories).” The example photos included below illustrate the type of residential development envisioned. This BeltLine land use category is most closely associated with the “Very High Density Residential” category in the CDP.
- North of the Faith Avenue extension, near Bill Kennedy Way, the plan recommended “Open space.” At the time the plan was prepared, Atlanta BeltLine, Inc had not determined how the trail connection (conceptually illustrated by the green line below) would be made between Bill Kennedy Way and Chester Avenue. Since the time of adoption, the trail route has been refined and will run adjacent to Bill Kennedy Way, Faith Avenue, and Chester Avenue. The trail alignment will not bisect the subject property as shown.
- North of the Faith Avenue extension and west of Chester Avenue, the plan recommended a non-residential use next to the interstate. This recommendation has the intent of preventing new residential development within approximately 500 feet of the interstate due to noise pollution and air quality concerns. This land use recommendation is illustrated by either the

“Industrial” or the “Office-Institutional” land use category. In either case, the key recommendation is for a non-residential use.

Although the proposed legislation, if adopted, provides for the development of multifamily residential uses, it ignores the overall development plan fully discussed during the community engagement process for the Subarea 4 Beltline Master Plan and subsequently adopted. Staff would likely support a proposal that fully implements the zoning recommendations in the BeltLine Master Plan for Subarea 4. Such proposal should allow for non-residential zoning district next to the interstate and north of the proposed Faith Avenue Extension, creating a consistent I-1/Beltline Overlay for this area. For most of this area, no zoning change would occur. Staff’s likely support for redevelopment of the property would further address the parcel adjacent to Bill Kennedy Way by rezoning it from I-2/Beltline Overlay to the I-1/Beltline Overlay district. Finally, staff’s likely support would take into consideration zoning for the area south of the Faith Avenue Extension to the MR-5A/BeltLine Overlay district.

STAFF RECOMMENDATION: DENIAL of the ordinance to rezone the subject property from I-1/Beltline Overlay district and the I-2/Beltline Overlay district to the MR-5A/Beltline Overlay district

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM *amended*

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: **Z-13-25 for text amendment to clarify the use of drive through facilities and appropriateness within SPI-20, Subarea 2**

DATE: August 8, 2013

An ordinance introduced by Zoning Committee to clarify the use status of drive through facilities within SPI-20 and their appropriateness for certain properties within Subarea 2 of SPI-20.

PROPOSAL:

The proposed text amendment seeks to clarify the use of drive through facilities and determine if such facilities are appropriate within SPI-20 (Greenbriar Special Public Interest District), Subarea 2 (Greenbriar Neighborhood Center) and eliminate hardiplank siding as an allowed building material for non-residential uses. More specifically, the amendment would:

- Change drive through service windows from not allowed “X” to permitted “P.”
- Amend Section 4.1 to add:
 - Drive through service windows and drive-in facilities shall not be located between the principal structure and the street unless the drive-through service lane is screened from view from adjacent public streets by hedgerows, or equivalent plantings, immediately adjacent to service lanes.
- Amend Section 4.2 to read:
 - Building facade materials shall consist of the following:
 - a. Single and two-family: All exterior façades shall be brick, wood, or hardiplank, (cementitious siding). Hardiplank siding shall be a maximum of six (6) inches in width.
 - b. Multi-family and non-residential:
 - i. All exterior façades adjacent to a public street shall be brick, stone, cast stone, or true stucco.

- ii. All exterior façades not adjacent to a public street shall be brick, stone, cast stone, true stucco, concrete masonry units, split-faced concrete, or split-faced block.

FINDINGS OF FACT:

- **Property location:** SPI-20, located in southwest Atlanta, is along a major highway transportation node- Langford Parkway and Campbellton Road with the focal point of the area being Greenbriar Mall and its associated outparcels. Other arterials serving the area, Greenbriar Parkway and Headland Drive, are also bounded by large commercial shopping centers. SPI-20 has a total of six (6) subareas with Subarea 2 being the Greenbriar Neighborhood Center.
- **Property size and physical features:** There would be no predictable effect on public facilities and services since the zoning text amendment would not change the subarea boundaries only expand the manner in which commercial services are made available by allowing drive through facilities as a permitted use with appropriate screening mechanisms. Allowed uses within the subject subarea range from single family residential to commercial with an overwhelming majority being large commercial shopping centers with surface parking.
- **CDP land use map designation:** There are no proposals to change the CDP land use designations.
- **Current/past use of property:** Allowed uses within Subarea 2 range from single family residential to commercial with an overwhelming majority being large commercial shopping centers with surface parking.
- **Surrounding zoning/land uses:** Since this text amendment does not address any particular development proposal, these considerations are not applicable.
- **Transportation:** Since no development projects are being considered as part of this text amendment, these considerations are not applicable.

ANALYSIS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed legislation to amend the SPI 20, Sub area 2 to allow for drive through facilities would not change the current land use designation of properties..
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** Since no development projects are being proposed as part of the zoning text amendment, these considerations are not applicable.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Since no development projects are being proposed as part of this zoning text amendment, these considerations are not applicable.

- 4) **Effect on character of the neighborhood:** Currently Subarea 2 does not allow drive through facilities as a permitted use. However given the nature of the area coupled by its physical characteristics (presence of highways and thoroughfares, a large shopping mall, expansive commercial uses) drive through facilities can be beneficial and designed in a pedestrian friendly manner.

The language in the proposed text amendment allows drive-through service lanes between the building and street if it is screened from view from adjacent public streets by hedgerows, or equivalent plantings. While Staff agrees that drive through service facilities are an appropriate use within Subarea 2 the proposed language can be improved to be more in keeping with the purpose and intent of the SPI-20 District regulations, in particular to provide appropriately-scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs and facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles.

Accommodations such as making indoor or walkup ordering available, limiting the number of queuing lanes, placing the building close to the street, limiting the number of curb cuts, providing a path connecting the sidewalk to a door or walk up window and providing pedestrian crossing can all create an inclusive environment for both vehicular and pedestrian traffic.

- 5) **Suitability of proposed land use:** Although there would be no change in land use pertaining to the development of the property, Staff is of the opinion that the proposed text amendment would be compatible with land uses allowed in this zoning district as several examples of drive through facilities exist today. This legislation recognizes that drive through facilities are a common amenity in the urban environment but would have the added benefit of allowing design guidelines that mitigate conflicts.
- 6) **Effect on adjacent property:** Since no development projects are being proposed as part of this zoning text amendment, these considerations are not applicable. However, Staff is of the opinion that the proposed text amendment would allow for the delivery of commercial services, via a drive-through, in a manner in which accommodates vehicular traffic without adversely affecting pedestrian traffic. Drive through facilities are a common amenity for a specific range of uses, including banks, drug stores and restaurants and a well designed drive-through on a parcel with adequate area can be convenient for motorists and have minimal impact on the streetscape and pedestrians.
- 7) **Economic use of current zoning:** Since no development projects are being proposed as part of this zoning text amendment, these considerations are not applicable.
- 8) **Compatibility with policies related to tree preservation:** Since no development projects are being proposed as part of this zoning text amendment, these considerations are not applicable. However, should there be any impacts on trees compliance with the City of Atlanta Tree Ordinance is required.

CONCLUSIONS:

Staff is of the opinion that the proposed text amendment can allow for the delivery of commercial services, via a drive-through, in a manner in which accommodates vehicular traffic without adversely affecting pedestrian traffic if appropriate design guidelines are in place. Drive through facilities are a common amenity in the urban environment that can be beneficial however the zoning ordinance also allows the development of regulations, based on best practices, that ensure a typical range of activities are provided while ensuring public safety and mitigating the associated impacts. The design guidelines established in SPI 20 along with additional restrictions of the size and location of drive through facilities within Subarea 2 can accomplish this. As stated above, making indoor or walkup ordering available, placing the building close to the street, providing a path connecting the sidewalk to a door or walk up window and providing pedestrian crossing are all accommodations that can all create an inclusive environment for both vehicular and pedestrian traffic.

STAFF RECOMMENDATION: APPROVAL, conditioned on a substitute ordinance:

cc: James Shelby, Commissioner, DPCD



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KASIM REED
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JAMES E. SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-12-26 for 3227, 3229 AND 3233 MATHIESON DRIVE AND 3180 PEACHTREE ROAD, N.E

DATE: August 8, 2013 (*Deferred from May 9th, March 7th and February 7, 2013*)

The applicant seeks a Special Use Permit pursuant to Section 16-06.005 (1) (c) and (k) for a Church and Community Center

FINDINGS OF FACT:

- property location: The parcels proposed for the youth center front approximately 160 feet on the east side of Mathieson Drive and begin 180 feet from the northeast corner of Mathieson Place and Mathieson Drive. The parcels containing the church sanctuary and daycare/preschool front approximately 662 feet on the north side of Peachtree Road, approximately 400 feet on the east side of Mathieson Drive, approximately 701 feet on the south side of Mathieson Place and approximately 426 feet on the west side of Shadowlawn Avenue. The property is located in Land Lot 16 of the 17th District, Fulton County, Georgia. It is in the Buckhead Forest Neighborhood of NPU-B, Council District 7.
- property size and physical features: The subject property consists of numerous lots of record comprising over 15 acres of land. The main sanctuary which includes a daycare/preschool fronts on Peachtree Road and extends north to Mathieson Place; the parcels to the east of Shawdowlawn Avenue are developed with a surface parking lot; the lot located at the northeast corner of Mathieson Place and Mathieson Drive is developed with a 49 space surface parking lot which can be accessed from Mathieson Drive; the adjacent lot to the east is developed with a 110 space surface parking lot which is accessed from Mathieson Place in addition to having a 1 story structure that serves as a boy scout hut to the rear; the remaining two lots which front on Mathieson Drive are each developed with residential structures. The church also owns a singular parcel that fronts approximately 50 feet on West Shadowlawn Avenue that is zoned RG-3 and developed with a residential structure but is not slated for redevelopment. The topography is relatively level with a moderate northerly decline along the north property line. Trees are located throughout the site. Collectively the subject properties are the Peachtree Road United Methodist Church.

- current/past use of property: Peachtree United Methodist Church currently operates its facility at 3180 Peachtree Road and owns adjacent parcels that are used for surface parking. The church recently acquired two additional parcels (3227, 3229 and 3233 Mathieson Drive) directly north of the parking lot located at the northwest corner of Mathieson Drive and Mathieson Place. These parcels are zoned R-4 (Single Family Residential) and developed as such. Other than described above Staff is unaware of any other previous uses of the property.
- surrounding zoning/land uses: The church campus is split zoned with a majority of the property located SPI-9, SA-1 or SA-3 with two of the residential lots zoned R-4 and one zoned RG-3. The main sanctuary fronts on Peachtree Road which is characterized by a variety of commercial and multi-family uses that are zoned SPI-9, Sub areas 1, 3 and 4. The rear of the church campus meets the Buckhead Forest Neighborhood which is overwhelmingly zoned R-4 and developed with single family residential uses.
- transportation system: Peachtree Road is major north/south arterial street. The remaining streets including Mathieson Drive, Mathieson Place and West Shadowlawn Avenue are local residential streets. MARTA bus routes serve the area.

PROPOSAL:

The applicant is requesting a special use permit for the entire church campus with the most immediate plan including the construction of a youth building at 3227, 3229 and 3233 Mathieson Drive which currently houses a 49 spaces surface parking lot and two (2) single family residential properties. The proposed 51,000 square feet, 3 story youth building would include eight (8) classrooms, a multi-purpose room, assembly room, activity lounge, arts and crafts room, a snack bar/café and office space. The proposed hours of operation are from 7:00 am- 10:00 pm seven days per week however the applicant expects peak usage weekdays from 3:00 pm -9:00 pm and weekends from 9:00 am- 10:00 pm. Youth ranging in ages from 12-18 are the targeted users of the facility which will be supported by 3-5 employees at any given time. Off site catering will be used for meals while the onsite snack bar/café will serve snacks and refreshments. While the proposed youth building is impetus for the SUP application the church does intend to construct a parking deck at a later date. The requested SUP will apply to the entire church campus; both existing and proposed improvements identified in the Church Master Plan dated June 25, 2013.

- Ingress and egress: The church campus has multiple points of ingress and egress. The proposed youth building will be located behind the parking lots at the northeast corner for Mathieson Drive and Mathieson Place and will be oriented towards Mathieson Place with the pedestrian access points located in front. Vehicles will access the site via three existing and one proposed curb cut on Mathieson Place. An access drive for delivery vehicles will be located off of Mathieson Drive, on the west side of the youth center building. Emergency vehicles, service personnel, employees and clients will also use the aforementioned access points.
- Parking and loading: The parking requirement for the church campus is based in the number of fixed seats in the sanctuary and preschool. The church has a combined total of 563 parking spaces at the locations listed below:

Location	Number of Parking Spaces
Surface lot (SE corner of Mathieson Place/Mathieson Drive)	165
Preschool drop-off lot (south side of Mathieson Place)	26
Surface Lot (NE corner of Peachtree Road/ W Shadowlawn	60
Surface lot (NW corner of Peachtree Road /W Shadowlawn)	98
Surface Lot (NE corner Mathieson Drive/Mathieson Place)	43
Surface Lot (Mathieson Place)	111
Off site- Trader Joe's	60
Total Proposed Parking Spaces	563

The site plans shows adequate loading for both the main sanctuary and proposed youth building.

- **Refuse and service areas:** The operator of the campus will continue to maintain the current process of disposal of refuse and garbage which includes the use of dumpsters that are picked up by the City on a weekly basis.
- **Buffering and screening:** The proposed youth building will be screened from the adjacent residential uses with a combination of distance, landscaping and fencing. More specifically, the building will be located a minimum of 67 feet south of adjacent single family residence on Mathieson Drive. A fence, a minimum of 6 feet in height, will run along the north property line, screening the rear of the youth building. The applicant also proposed to provide dense landscaping as an additional screening mechanism.
- **Hours and manner of operation:** The proposed 51,000 square feet, 3 story youth building would include eight (8) classrooms, a multi-purpose room, assembly room, activity lounge, arts and crafts room, a snack bar/café and office space. The proposed hours of operation are from 7:00 am- 10:00 pm seven days per week however the applicant expects peak usage weekdays from 3:00 pm -9:00 pm and weekends from 9:00 am- 10:00 pm. Youth ranging in ages from 12-18 are the targeted users of the facility which will be supported by 3-5 employees at any given time. Off site catering will be used for meals while the onsite snack bar/café will serve snacks and refreshments. The applicant has indicated that the building will also be used for special performances and events.
- **Duration:** A permanent duration is requested.
- **Required yards and open space:** These requirements appear to be met however the site plan may require a special exception for the height of the proposed fence and a variation for parking located between the building and the street.
- **Tree Preservation and Replacement:** The applicant has indicated that they will meet the requirements of the City of Atlanta's Tree Ordinance.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The proposed youth building does not require any additional parking spaces beyond the requirement for the sanctuary and preschool. The applicant has a combined total of 563 parking spaces which exceeds the minimum requirement. Pedestrians and vehicles can enter/exit the campus from the access points referenced above. Further, the streetscape requirements for SPI-9 will help to ensure pedestrian facilities are provided and well designed.
- b) **Off-street parking and loading:** The site plan provides for adequate parking for the church campus.
- c) **Refuse and service areas:** Use of existing dumpsters should be adequate.
- d) **Buffering and screening:** The building will be located a minimum of 67 feet south of adjacent single family residence on Mathieson Drive. A fence, a minimum of 6 feet in height, will run along the north property line, screening the rear of the youth building. The applicant also proposed to provide dense landscaping as an additional screening mechanism. The combination of distance, fencing and landscaping appear to be sufficient.
- e) **Hours and manner of operation:** The proposed 51,000 square feet, 3 story youth building would include eight (8) classrooms, a multi-purpose room, assembly room, activity lounge, arts and crafts room, a snack bar/café and office space. The proposed hours of operation are from 7:00 am- 10:00 pm seven days per week however the applicant expects peak usage weekdays from 3:00 pm -9:00 pm and weekends from 9:00 am- 10:00 pm. Youth ranging in ages from 12-18 are the targeted users of the facility which will be supported by 3-5 employees at any given time. Off site catering will be used for meals while the onsite snack bar/café will serve snacks and refreshments. The applicant has indicated that the building will also be used for special performances and events.
- f) **Duration:** A duration, so long as “Peachtree United Methodist Church” is the operator.
- g) **Compatibility with policies related to tree preservation:** In its existing state, staff is of the opinion that the subject property is in compliance with the City’s Tree Ordinance.
- h) **Required yards and open space:** These requirements appear to be met however the site plan may require a special exception for the height of the proposed fence and a variation for parking located between the building and the street.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. A Master Plan dated July 30, 2013, shown as Exhibit “A,” The Master Plan is conceptual only and must meet or exceed the requirements of the zoning ordinance and these conditions prior to the issuance of a land disturbance permit.

2. The Special Use Permit shall be subject to the Youth Building Site Plan dated July 30, 2013 and marked Exhibit "B" (Fourth Amendment, attached). All conditions of this SUP shall be printed on the face of the final Youth Building Site Plan.
3. The SUP shall be approved subject to the lighting plan previously filed with the Third Amendment on April 24, 2013, which shall include:
 - (a) zero spillover onto adjacent properties;
 - (b) replacing existing non-compliant fixtures on Parcel C with Dark Sky compliant lighting;
 - (c) Cylinder-type down-lights by Gardco or another brand equivalent in terms of exterior building wall-mounted illumination;
 - (d) Windows on the East and West side of the building shall be fitted with programmable retractable shades which will close from 7:00 p.m. to 7:00 a.m. each day. There will be no windows on the north side of the building. There will be no exterior deck or terrace areas allowed at the north, east or west sides of building other than the entrance feature as depicted on the master plan;
 - (e) All lighting shall be directed away from adjacent residential properties; and
 - (f) All lighting measures and improvements to be installed prior to issuance of a Certificate of Occupancy for the Youth Building.
4. (a) The SUP shall be approved in accordance with the Landscape Plan prepared by AEC, Inc. as last revised on July 29, 2013 attached hereto as Exhibit "C" and by reference made a part hereof. All landscape and fence installations shall be completed prior to issuance of a Certificate of Occupancy for the Youth Building;
 - (b) A six (6) foot opaque fence will be provided along the northern, eastern and western boundary lines of the property, between Parcel C and adjacent residential homes. Existing chain link fencing shall be removed in those areas where the new opaque fence is installed;
 - (c) Cryptomeria and Magnolias shall be planted inside said fence. Said planting shall occur on eight (8) foot on centers and said plants shall be not less than 12 feet in height at the time of planting;

- (d) The opaque fence shall be dark brown in color and substantially similar to the Bufftech Galveston Privacy Fence, subject to approval by the City of Atlanta;
 - (e) Tree save fencing shall be installed at the drip line of tree canopy prior to issuance of any land disturbance permit; and
 - (f) Construction fencing shall be installed immediately after tree save fencing and prior to issuance of any land disturbance permit, segmenting off the passive undisturbed green space area as well as protective outer boundaries.
5. The SUP shall be approved subject to the applicant's compliance with all current City Regulations regarding watershed and storm water (see Second Amendment filed April 15, 2013). The Buckhead Forest Civic Association will be provided copies of all permit applications at the time of filing and advanced written notification of the day of meetings with City staff regarding Applicant's Land Disturbance Permit application and the Building Permit when filed;
 6. The open space as shown on the Youth Building Site Plan (Exhibit "B") shall, upon issuance of a final Certificate of Occupancy, be preserved as permanent buffer. The buffer, open space, and setbacks shown on the Youth Building Site Plan and the Landscape Plan, shall depict a sixty-seven (67) foot minimum buffer between the Youth Center and 3241 Mathieson Drive, and a minimum sixty (60) foot offset from Mathieson Drive. The Applicant shall apply for a front yard setback within the SPI-9 district to effect this condition;
 7. The Youth Building as shown on the site section looking east through the north side yard shall not exceed thirty-five (35) feet in height at the earthen berm. The height of said building on the south, east and west of the Youth Building site sections shall not exceed forty-two (42) feet in height to the top of roof parapet, as shown on Exhibit "F";
 8. The proposed Youth Building as shown on Exhibit "B" shall comply with the development/building standards of the SPI-9 district. No portion of Parcel C shall be used as a "receiving" property for density, transfer of development rights, FAR or height transfers or bonuses pursuant to SPI-9 or other zoning regulations;
 9. 3218 West Shadowlawn Avenue and 3201 West Shadowlawn Avenue shall not be used for ingress/egress to and from the Campus;
 10. There shall be no direct vehicular access to or from the campus onto Mathieson Drive or West Shadowlawn Avenue, north of Mathieson Place.

There shall be no more than three (3) curb cuts/driveways onto and from Mathieson Place from Parcel C;

11. Said application shall provide 563 (503 on-site and 60 off-site) parking spaces in accordance with the letter from Kimley-Horn dated the 4th day of June, 2013, shown as Exhibit "D";
12. Exterior building materials of the Youth Building shall be similar to the exterior of existing buildings on the Campus;
13. The hours of operation for the Youth Building shall be from 8:00 a.m. to 9:00 p.m. except for special occasions/events in which case Buckhead Forest Civic Association shall receive advance, written notice of same not less than seven (7) days prior to such event. The Applicant agrees to adhere to construction & landscape hours as follows:

Weekdays:	7:30 a.m. to 7:00 p.m.
Saturdays:	9:00 a.m. to 6:00 p.m.
Sundays:	12:00 p.m. to 6:00 p.m.
14. Any use of any type or description on the top of the stormwater detention facility for a deck, active use or recreation shall be prohibited. The detention facility shall be screened with natural buffering materials. There shall be no outdoor audio visual equipment, sound systems or speakers on Parcel C;
15. Greenspace as shown on the Master Plan shall remain passive with no outdoor recreational programs, playground equipment or athletic fields allowed. This will not prohibit gardening, Bible studies, small outdoor picnics, and the like;
16. Prior to issuance of a Certificate of Occupancy, Applicant shall remove the existing Buckhead Forest monument sign on Mathieson Drive (near the main sanctuary parking lot) and the existing median strip located at the intersection of Mathieson Drive and Mathieson Place. Applicant shall permit and construct two (2) neighborhood identification signs and a traffic-calming pinch at locations to be determined by the neighborhood, subject to approval by the City of Atlanta. The monument signs and traffic-calming pinch shall be similar to those existing on West Shadowlawn Avenue and approximately parallel to same;
17. Campus hydrology study prepared by a licensed civil or hydrology engineer at the time of Land Disturbance Permit. A copy of said Campus hydrology study shall be provided to the Buckhead Forest Civic Association upon submission to the City;
18. Use of the Campus as church and preschool/daycare facility only and as follows;

- a. Maximum total preschool/daycare enrollment shall not exceed 400 preschool/daycare students; and
 - b. No public or private primary, secondary, upper, post-secondary, collegiate or graduate schools;
19. Maximum overall site shall not exceed 910,000 gross square feet on the Campus for the church, preschool, Youth Center and all other accessory uses. The Campus calculations are attached hereto as Exhibit "E";
20. A limit of one thousand nine hundred sixty-eight (1,968) fixed seats in the church sanctuary;
21. The Applicant will not request or support expansion of the existing SPI-9 boundaries on the Campus. Provisions of the Zoning Ordinance which may allow for the administrative expansion of any zoning classification on the Campus, including but not limited to §16-02.017, as may be amended, modified or re-codified shall not be utilized by the Applicant to expand any portion of any zoning classification on the Campus;
22. Outdoor storage of trash/materials/equipment shall be screened;
23. Repair of visibly eroded right-of-way on Mathieson Drive/Mathieson Place which abuts church property as identified on the campus walk-through of April 17, 2013. Repairs shall be limited to areas north of southerly right-of-way on Mathieson Place and on the right-of-way of Mathieson Drive;
24. Repair of visibly eroded right-of-way on Mathieson Drive/Mathieson Place which abuts church property as identified on the attached exhibit "G" dated August 6, 2013. Repairs shall be limited to areas north of southerly right-of-way on Mathieson Place and on the right-of-way of Mathieson Drive; Applicant shall add appropriate storm catches and/or inlets on Parcels "A" and "C" parking lots as identified on Exhibit "G" so as to control water runoff onto adjacent properties and public rights-of-way; and
25. Delivery hours shall be restricted to the hours of 8:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends.

cc: James E. Shelby, Commissioner, DPCD

EXHIBIT "A"



EXHIBIT "B"

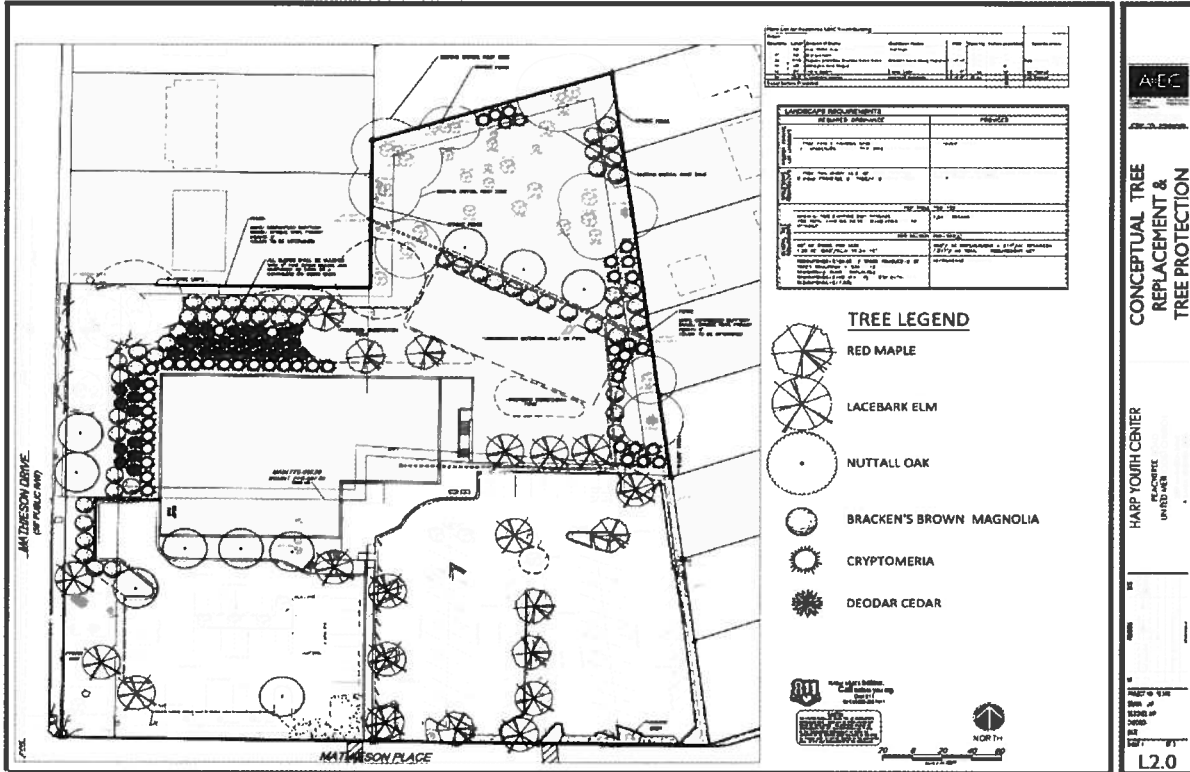


PLACHTREE ROAD UNITED METHODIST CHURCH YOUTH BUILDING SITE PLAN

30 JUN 2013

**COLLINS
COOPER
CARUSI**
Architects

EXHIBIT "C"



LEGEND:

- EXISTING TREE TO REMAIN W/ CRITICAL ROOT ZONE
- EXISTING TREE TO BE REMOVED
- TREE PROTECTION FENCE
- EXISTING CRITICAL ROOT ZONE IMPACT
- NEW CRITICAL ROOT ZONE IMPACT

Tree ID	Species	DBH (in)	Height (ft)	Health	Location
1	Redwood	12	25	Good	North of building
2	Redwood	10	20	Good	West of building
3	Redwood	8	18	Good	East of building
4	Redwood	6	15	Good	South of building
5	Redwood	4	12	Good	West of building
6	Redwood	3	10	Good	East of building
7	Redwood	2	8	Good	South of building
8	Redwood	1	6	Good	West of building
9	Redwood	1	6	Good	East of building
10	Redwood	1	6	Good	South of building
11	Redwood	1	6	Good	West of building
12	Redwood	1	6	Good	East of building
13	Redwood	1	6	Good	South of building
14	Redwood	1	6	Good	West of building
15	Redwood	1	6	Good	East of building
16	Redwood	1	6	Good	South of building
17	Redwood	1	6	Good	West of building
18	Redwood	1	6	Good	East of building
19	Redwood	1	6	Good	South of building
20	Redwood	1	6	Good	West of building

TITLE BLOCK:

LANDSCAPE REQUIREMENT E
 PREPARED BY: [Name]
 DATE: [Date]
 PROJECT: [Project Name]
 SHEET: [Sheet Number] OF [Total Sheets]

EXHIBIT "D"



Memorandum

To: G. Douglas Dillard

From: Robert A. Ross, PE

Date: June 4, 2013

Subject: Peachtree Road United Methodist Church Parking Analysis
3180 Peachtree Road, NW, Atlanta, Georgia 30305

■
The Biltmore, Suite 601
817 West Peachtree St NW
Atlanta, GA 30308

Kimley-Horn analyzed the anticipated parking demand at the existing Peachtree Road United Methodist Church (PRUMC) and the proposed Youth Building. The mixed-use development consists of existing church facilities, an existing day care center, and a proposed youth building. The parking requirement was analyzed using requirements contained in the Zoning Ordinance of the City of Atlanta, part 16. The parking requirements calculated in this analysis represent the minimum number of parking spaces that should be provided within the site based on the Atlanta Zoning Ordinance.

Project Description

The subject property located at 3180 Peachtree Road, NW, Atlanta, GA currently consists of a church with sanctuary seating for 1,968 persons and includes a day care/preschool center of approximately 22,800 square feet. Currently, the site provides 584 parking spaces. The studied proposed master plan for the site consists of a redevelopment that includes (in addition to the existing church and day care/preschool space) a youth center building. The redevelopment will result in a slight reduction in the total parking supply to a total of 563 proposed parking spaces. A breakdown of the proposed parking supply for the site is provided in Table 1.

Table 1 – Proposed Parking Supply

Parking Location	Spaces
Parcel A: Mathieson Dr @ Mathieson Pl Corner Lot	165
Parcel A: Preschool Drop-Off Lot	26
Parcel A: East of Sanctuary Corner Lot	60
Parcel B: West Shadowlawn @ Peachtree Lot	98
Parcel C: Mathieson Corner Lot	43
Parcel C: Mathieson Rear Lot	111
Agreed Trader Joe's Offsite Use Parking	60
Additional Offsite Parking	*
Total proposed parking spaces on site	563

*Additional offsite parking provided by agreements with other properties and on-street parking were not included in the total.

■
P: 404-419-8700
F: 919-877-2050

EXHIBIT “D” (CONTINUED)



Parking Supply Rates

The minimum parking supply rates for the City of Atlanta were taken from Section 16-06.010 of the Single-Family Residential (R-4) District Regulations for minimum off-street parking and Buckhead Village (SPT-9) District Regulations off-street parking. These City rates can only be amended by approval of a special exception variance. The rates used for this study are provided in **Table 2**.

Table 2 –Parking Supply Rates

Land Use	City of Atlanta Rate	Units
Church	.25	Per fixed seat
Day Care/Preschool Center	1	per 600 sf of floor area

Results

Table 3 provides the breakdown of parking demand spaces based on the City of Atlanta rates. **Table 4** shows the number of spaces needed to meet the parking demand vs. the available proposed parking supply. For the total parking demand, the youth facility demand spaces are not included in the total because the church sanctuary is considered the largest assembly space on the site and takes the precedence for parking demand.

Table 3 – Calculated Parking Demand

Land Use	Parking Demand (spaces)
Church	492
Day Care/Preschool Center	38

Table 4 – Parking Demand vs. Supply

Parking	Spaces
Demand	530
Supply	563
Surplus	33

Closure

Based on the results of this analysis, additional parking spaces will not be necessary. This study did not include additional parking that is available to the PRUMC through on-street parking and additional agreements with properties in the area.

Please feel free to contact Rob Ross (404.201.6146) if you have any questions regarding this analysis.

EXHIBIT "E"

PEACHTREE ROAD UNITED METHODIST CHURCH
ZONING AREA CALCULATIONS

07.28.2013

COLLINS COOPER CARUS ARCHITECTS
#1308.000

	Basement	1st	2nd	3rd	4th	5th	6th	7th	8th	Total SPI-0/ SA1	Total SPI-0/ SA3	Total R-4
EXISTING BUILDINGS TO REMAIN ON CAMPUS												
Existing buildings in SPI-0/SA1	2,430.48	79,357.99	66,721.20	28,526.94	2,598.05					179,632.66		
Existing buildings in SPI-0/SA3	8,260.00	15,031.00	15,478.44	10,257.45							47,026.89	
Existing building s.f. per level	8,690.48	94,388.99	82,199.64	38,784.39	2,598.05							
PARKING DECK/ ACTIVITIES BUILDING - PROPOSED 3 LEVELS (4 LEVELS PARKING, 4 LEVELS ACTIVITIES)												
Parking deck/Activities in SPI-0/SA1	36,000.00	36,000.00	36,000.00	36,000.00	36,000.00	36,000.00	36,000.00	36,000.00	36,000.00	324,000.00		
Parking deck/Activities in SPI-0/SA3	31,000.00	31,000.00	31,000.00	31,000.00	31,000.00	31,000.00	31,000.00	31,000.00	31,000.00		279,000.00	
Parking deck/Activities s.f. per level	67,000.00	67,000.00	67,000.00	67,000.00	67,000.00	67,000.00	67,000.00	67,000.00	67,000.00			
FUTURE DISCIPLESHIP CENTER - PROPOSED 3 LEVELS												
Future Discipleship Center in SPI-0/SA1		7,000.00	7,000.00	7,000.00						21,000.00		
YOUTH BUILDING - 3 LEVELS												
Youth Building in SPI-0/SA3	5,000.00	5,000.00	5,000.00								15,000.00	
Youth Building in R-4*	16,000.00	16,000.00	8,780.00									40,780.00
Youth Building s.f. per level	21,000.00	21,000.00	13,780.00									
TOTAL SQUARE FOOTAGE										824,632.66 in SPI-0/SA1	341,026.89 in SPI-0/SA3	40,780.00 in R-4

*R-4 allows FAR of .5, or 50% lot coverage. Portion of site within R-4 is 81,595.6 s.f., or 40,782.8. For purposes of this exercise, assumed building as designed may require all of this area.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board
FROM: Charletta Wilson Jacks, Zoning Administrator
SUBJECT: Z-13-08 for 3201 Downwood Circle, N.W.

A handwritten signature in blue ink, appearing to be "CWJ", next to the "FROM" line.

DATE: August 8, 2013 (deferred June 6 and July 11, 2013)

The applicant seeks to rezone property from the **OI-C (Office Institutional-Conditional) district** to the **RG-4 (Residential General-Sector 4) district** for a multi-family development.

The applicant has requested a another deferral of this case to allow additional time to work with the impacted community on transportation issues surrounding the request. Staff is supportive of the deferral request.

STAFF RECOMMENDATION: 60 DAY DEFERRAL-OCTOBER 2013

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

M. KASIM REED
MAYOR


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-14 for 164 Chester Avenue, S.E.

DATE: August 8, 2013 (*deferred from July 11 and June 13, 2013*)

The applicant seeks to rezone the property from the **R-5 (Two-family Residential)** district to the **Residential-Limited Commercial (R-LC)** district for conversion of a portion of the existing house into a restaurant for a supper club.

FINDINGS OF FACT:

- **property location:** The subject property is located on the eastern side of Chester Avenue directly across from the intersection with Harold Avenue, in the Reynoldstown Neighborhood of NPU-N, Council District 5. It is located in land lot 13 of the 14th District, Fulton County, Georgia.
- **property size and physical features:** The parcel is approximately 0.140 acres (or 6,100.89 square feet), and is developed with a single-story house constructed a few feet higher than the adjacent public sidewalk. An upward sloping driveway extends to the rear yard which is relatively flat. A solid screen fence is located along the rear and side property lines to the rear of the house.
- **CDP Land Use Plan Designation:** The current land use designation is Single-family Residential (SFR)..
- **current/past use of properties:** The subject property has been and continues to be used as a single-family residence.
- **surrounding zoning/land uses:** Surrounding zoning districts include R-5 (Two-family residential) to the adjacent north and west of the subject property, and C-2-C (Commercial Service) district directly to the adjacent south and east. Properties fronting the southern side of Fulton Terrace are zoned I-1 (Light Industrial). Adjacent uses to the north and west include single-family residential uses and to the east multi-family residential uses (South Park Lofts). Commercial and industrial uses are located south of Fulton Terrace.

August 8, 2013 (*deferred from July 11 and June 13, 2013*)

- **transportation system:** The relatively narrow (23.5') Chester Avenue is classified as a local street. MARTA bus service runs along Memorial Drive, several blocks away but within walking distance of the subject property. The subject property is also located a block away from the Beltline to the east.

PROPOSAL:

The applicant proposes a change in zoning districts to allow for conversion of the existing building for both residential use (one dwelling) and commercial use for a restaurant. The applicant intends to continue to live at the property and provide for a supper club restaurant operating by invitation only. The restaurant is not intended to be open to the general public, and would operate once a week between the hours of 7pm to 11pm. A maximum of 50 restaurant patrons would be permitted on-site on at any given time. Patrons would be seated outside in the rear yard under a structured canopy. As proposed, a minimum of seven (7) parking spaces would be required, one for the residential use and six for the restaurant. Off-site parking would be provided at 215 Chester Avenue.

ANALYSIS:

1. **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed conversion of the property is not consistent with the current land use designation of Single-family Residential (SFR) and a CDP land use amendment would be required. There are no public projects or programs with which the timing of this development would conflict.
2. **Availability of and effect on public facilities and services; referrals to other agencies:** The development shall comply with any building permitting requirements including on-site sewer and stormwater management, and solid waste collection.
3. **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** There are other properties, south of Fulton Terrace, zoned industrial/commercial which allow for eating and drinking establishment uses. The conversion of this property to commercial would have an adverse impact on the adjacent single-family properties to the north and west of the subject property.
4. **Effect on character of the neighborhood:** The proposed restaurant use would have an adverse impact on the neighborhood by introducing a commercial use into the residential neighborhood.
5. **Suitability of proposed land use:** The proposed restaurant use is not appropriate for this property. The parcel is relatively small and the restaurant would be located approximately 10 feet south of an adjacent single-family residence.
6. **Effect on adjacent property:** Noise and lighting generated by the restaurant use could have an adverse impact on adjacent single-family residences, in particular the abutting property which a house approximately 10 feet away.
7. **Economic use of current zoning:** The subject property has a viable economic use as a residence, which is consistent with the residential character of the neighborhood north of Fulton Terrace.
8. **Compatibility with policies related to tree preservation:** The property contains some mature trees in the rear. The applicant does not intend to remove any trees and will comply with the tree ordinance requirement at time of permitting.
9. **Other considerations:** Chester Avenue is a two-way street having a width of 23'5". Existing on-street parking is permitted along both sides of the street. Access along this street would be severely impacted if restaurant patrons were to park on the street, thereby impeding emergency vehicle access through the

Z-13-14 for 164 Chester Avenue, S.E.

August 8, 2013 (*deferred from July 11 and June 13, 2013*)

neighborhood. Furthermore, there are no public sidewalks along both side of the street between the subject property and Fulton Terrace. Patrons parking off-site on a commercial property south of Fulton Terrace, as proposed by the applicant, would have to walk in the street to get to the subject property. In addition, improvements to the property are required to provide ADA accessibility from the sidewalk to the principal structure.

CONCLUSIONS:

The proposed commercial use of a restaurant at the subject property is not compatible with the residential character of the existing neighborhood consisting mainly of single-family residential uses. Light and noise generated by the use would adversely impact the adjacent properties. Vehicular and pedestrian access to the subject property are also insufficient to accommodate demand generated by this use. On-street parking generated by the establishment may impact Police/Fire/Ambulance emergency vehicle access to the street due to the narrow width of Chester Avenue.

STAFF RECOMMENDATION: DENIAL

cc: James Shelby, Commissioner, DPCD



CITY OF ATLANTA

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55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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KASIM REED
MAYOR

JAMES SHELBY
COMMISSIONER

CHARLETTA JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-12-24 for 2420 Fisher Avenue, NW (aka 2540 Paul Avenue & 2500 Fisher Avenue)

DATE: August 8, 2012 (*deferred from July 11, 2013*)

An Ordinance granting a Special Use Permit for a PROCESSING FACILITY pursuant to Section 16-17.005 (1) (w) of the Zoning Ordinance, property located at 2420 FISHER AVENUE, N.W.

FINDINGS OF FACT:

- property location: The subject property is located approximately 10 feet at the easterly termination of Marietta Road, N.W. The property is within the Bolton neighborhood of NPU-D, in council district 9.
- property size and physical features: The property is a large, awkwardly-shaped lot of approximately 39 acres. The site is largely open, vacant land with the exception of a small area in the northwest section which currently is occupied by a concrete pad. The site has severe and varying topography in multiple locations, the most extreme of which includes the proposed building area that rises about 40 feet tall from the adjacent bank of the Chattahoochee River, and another much larger mound near the center of the lot that rises to as much as 80 feet tall.
- current/past use of property: The property was previously used as a landfill and used to have a building on the northwest section closest to the Chattahoochee River. There is only a concrete slab left now, and there are also “blowers” which are used to burn off the methane gas that is generated by the landfill so that it doesn’t pollute the atmosphere.
- surrounding zoning/land uses: The site is situated within a large area of Heavy Industrial zoned property with accompanying industrial uses. This area extends for

over a mile (approx. 6,500 ft) east to west. Beyond the site to the west is R-4A single-family residential, which is approximately 1,348 feet away.

- transportation system: The property has direct access to Marietta Road, and indirect access to Bolton Road. Both of these are major corridors, especially for Industrial uses.

PROPOSAL:

The applicant proposes to construct a new building that will serve as a processing facility for the treatment of solid human waste. The solid waste will be converted to a suitable material that will be marketed to fertilizer companies for usage in crops and gardens.

- **Ingress and egress**: The plant layout provides the ingress and egress for truck traffic which is located at the front of the site. There is a gravel access drive that extends from Marietta Road into the property which will be the method of ingress and egress for all employees, clients, and service vehicles. Emergency vehicles also have alternative access from an entrance off of Bolton Road. Traffic congestion is not anticipated due to the relatively small amount of employee vehicles and trucks that will be accessing the site during their daily commutes. There will be an estimated 10 trucks delivering materials to the facility, and no more than 2-3 trucks per day leaving with the processed product. Three employees will work each 12 hour shift on-site.
- **Parking and loading**: Employees and service personnel will utilize the gravel access drive from Marietta Road to access parking provided in the front, and on the southern side of the proposed facility. There will be 14 parking spaces available on site. The parking is also available for temporary loading of products and supplies which will be delivered to the site in the same way that others access the location.
- **Refuse and service areas**: The facility is located on the Southern States Landfill which is owned by Waste Management. Minor solid waste produced by the employees will be disposed of in dumpsters on site, and collected by Waste Management for transfer to landfill via Marietta Road, as needed.
- **Buffering and screening**: A metal roof structure will cover the entire concrete footprint of the proposed Biosolids Facility. The roof will have a maximum height of 26 feet, and the rear and sides of the building will be fully enclosed while utilizing "air curtains and doors" at the structure's openings. Exterior lighting will be minimal, and will be inward and downward facing. The existing trees and fencing around the periphery will provide controlled access and buffering to the adjoining properties. An existing concrete plant is adjacent to the site, west of the proposed project. The existing gravel access drive shall be improved to accommodate and maintain all-weather access to the property. Six employees will be travelling to and from the facility each day (two shifts of three employees). An estimated 10 trucks

will be delivering bio-solids to the facility, and no greater than 2-3 trucks per day exiting the facility to export the final product.

- **Hours and manner of operation:** The proposed Biosolids Processing Facility (BPF) will accept biosolids (solid human bodily waste) from the municipal wastewater treatment plant for processing and conversion to fertilizer ingredients. Approximately 200 to 250 tons of biosolids will be transported to the facility with trucks from the City of Atlanta's RM Clayton Wastewater Treatment Plant (WWTP). The solids will be transported using WWTP access roads, and Marietta Road to the site which is on the north side of an existing landfill. The biosolids will be dumped inside the facility and into hoppers that feed the rotary kiln dryers. This operation is meant to minimize any odors since the material handling is conducted within the building. All by-product odors and dust will be handled using a negative pressure vacuum within the building, and the trapped air will be filtered to remove the odors and dust prior to the release of the air to the outside. The facility will use natural gas from Atlanta Gas Light, and landfill gas from the adjacent landfill to power the building's internal dryers. The delivered biosolids will be heated to about 250 degrees Fahrenheit in the dryers for about 20 minutes in order to destroy pathogens in the material. The finished product will be a "Class A" fertilizer that can be sold to fertilizer companies for use in various fertilizer applications. The amount of incoming biosolids will determine how much truck access there will be to the facility. A contained storage area within the building will be able to hold 138 tons of material, which equates to 3 days of production.

The hours of operation will depend on the amount biosolids that are transported from WWTP, but the facility will be open for processing 24 hours a day, 7 days a week. As mentioned previously, there will be a total of 6 employees, with 3 people working two shifts each. A shift could extend to 12 hrs. Meals and special programs are not offered at the facility.

- **Duration:** The special use permit is being sought for an indefinite period of time.
- **Required yards and open space:** The proposed facility will not encroach into any of the required setbacks.
- **Tree Preservation and Replacement:** There are no trees proposed for removal at this time.

CONCLUSIONS:

a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The existing ingress/egress to the property which utilizes a driveway that extends to Marietta Road is adequate for the clients, employees, and visitors to the facility. The site also offers sufficient access for emergency vehicles.

b) Off-street parking and loading: The proposed 14 parking spaces and temporary loading is more than adequate for the services that will be provided at the site. There are only going to 3 employees working at the facility, and the majority of the visits to the facility will be by the trucks which are directly related to the processing program at the site.

c) Refuse and service areas: The manner of operations of the proposed use does not appear that it will generate a high volume of typical refuse, but the dumpsters provided on-site should be sufficient. There also seems to be enough parking area proposed that will be able to serve the limited amount of loading that may be needed occasionally.

d) Buffering and screening: The facility is in the midst of a large area of long established industrially zoned land. The operations will take place entirely within a building structure which will have openings for ventilation. The site's former use was a landfill, and it appears that the most likely noticeable effect from the proposed use is odor, similar to what the landfill possibly produced. The degree of strength of the odor by-product is unknown at this time, although the applicant has stated that ventilation and air treatment measures would take place within the facility to minimize issues with odor for surrounding properties.

e) Hours and manner of operation: The proposed hours and manner of operations previously cited appear appropriate for this location. This type of industrial use has a very narrow scope of operation, and the only recurring type of traffic associated with the facility is that of the employees and the trucks delivering/picking up bio-solids material.

f) Duration: Staff recommends that the permit for the special use permit be valid for 3 years to provide the City an opportunity to address any unforeseen detrimental effects that may possibly arise.

g) Compatibility with policies related to tree preservation: There are no trees which will be impacted by the provision of the special use permit since the proposed construction is on existing impervious area.

h) Required yards and open space: The proposed structure will not encroach into any required yard setbacks or open space.

STAFF RECOMMENDATION: APPROVAL, conditioned on the following:

1. Special use permit shall expire five years after City Council approval.

cc: James Shelby, Commissioner, DPCD



KASIM REED
MAYOR


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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-17 for 40 & 46 Boulevard, 25-39 Daniel Street
and 492 & 496 Gartrell Street

DATE: August 8, 2013 (deferred July 11, 2013)

The applicant seeks to rezone property from the **C-2-C (Commercial Service-Conditional)** and **R-5 (Two-Family Residential)** districts to the **C-2-C (Commercial Service-Conditional)** district to enable the development a surface parking lot.

The applicant has requested a another deferral of this case to allow additional time to work with the impacted community on issues surrounding the request. Staff is supportive of the deferral request.

STAFF RECOMMENDATION: 60 DAY DEFERRAL-OCTOBER 2013

cc: James Shelby, Commissioner, DPCD